

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
SESDAC, INC.**

Accountability Review - Focus Monitoring Report 2009-2010

Team Members: Linda Shirley, Team Leader; Rhonda Zinter, Educational Specialist and Bev Petersen, Transition Liaison.

Dates of On Site Visit: January 13, 2010

Date of Report: March 11, 2010

3 month update due: June 11, 2010	Date Received: March 17, 2010
6 month update due: September 11, 2010	Date Received:
9 month update due: December 11, 2010	Date Received:
Closed: March 30, 2010	

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION

State Performance Plan: Indicator 15

ARSD 24:05:16:16. Personnel standards. To ensure that all personnel necessary to carry out the purposes of Part B and Part C of the Individuals with Disabilities Education Act are appropriately and adequately prepared and trained, the division shall determine that all personnel providing special education or related services, including early intervention and early childhood personnel, perform these functions under state-approved or state-recognized certification or licensure or other comparable requirements that apply to the area in which the person is providing instruction or other service.

Findings:

Through interviews and file reviews the monitoring team found SESDAC does not write IEPs. Each school district writes the individual IEPs with one exception. There is not a qualified instructor to carry out the goals for any student at SESDAC and the schools do not provide the service; therefore students are on IEPs without receiving qualified instruction.

Corrective Action:

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: SESCAC will specify on the IEPs the services a student will receive and who will be responsible for delivering the services. Data Collection: A copy of IEPs will be submitted to the SEP, stating who will implement the content of the IEP and whose responsibility it is to provide the service.	April 2010 and ongoing	SESDAC	Met: March 17, 2010

3 month Progress Report: March 17, 2010 A copy of an IEP was submitted and the person responsible for implementing the IEP was included. SESDAC has retained a certified special education teacher to oversee student's IEPs.

6 month Progress Report:

9 month Progress Report:

2. GENERAL SUPERVISION

State Performance Plan: Indicator 15

ARSD 24:05:27:01.01. IEP team. Each school district shall ensure that the IEP team for each student with disabilities include the following members:

- (1) The parents of the student;
- (2) Not less than one regular education teacher of the student if the student is, or may be, participating in the regular education environment;
- (3) Not less than one special education teacher of the student or, if appropriate, at least one special education provider of the student;
- (4) A representative of the school district who:
 - (a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
 - (b) Is knowledgeable about the general education curriculum; and
 - (c) Is knowledgeable about the availability of resources of the school district;
- (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in subdivisions 2 to 6, inclusive, of this section;
- (6) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student including related services personnel as appropriate;
- (7) If appropriate, the student; and
- (8) Transition services participants as described in §§ 24:05:25:16.01 and 24:05:25:16.02.

The determination of the knowledge or special education expertise of any individual described in this section shall be made by the party (parents or district) who invited the individual to be a member of the IEP team. A district may designate another district member of the IEP team to also serve as the district representative, if the criteria in this section are satisfied.

Findings: Student #3 did not have a representative of the school district present. The Special Education Director from SESDAC acted as the school representative. This individual does not have permission of the district to allocate funds. This has been the procedure for this student since attending SESDAC.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will ensure at a minimum the required IEP membership of parent, regular education teacher, special education teacher, and a qualified representative from the school. Data Collection: SESDAC will convene an IEP meeting with student #3. A representative from the sending school district will be present to act on all aspects of the IEP.	May 1, 2010	SESDAC and Sending District	Met: March 17, 2010

3 month Progress Report: March 17, 2010 An IEP was submitted for student 3, and a representative from the school was present by phone which was agreed upon by parents and SESDAC.

6 month Progress Report:

9 month Progress Report: